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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/032,011	12/31/2001	Joachim Grabscheid	P21633	5775

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EXAMINER

HALPERN, MARK

ART UNIT PAPER NUMBER

1731

DATE MAILED: 02/07/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/032,011

Applicant(s)

GRABSCHEID ET AL.

Examiner

Mark Halpern

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-3,5-9,11,13 and 14 is/are rejected.
- 7) ☒ Claim(s) 4,10,12,15 and 16 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 3.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: .

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1) Claims 1, 3, 6-9, 11, 13-14, are rejected under 35 U.S.C. 102(b) as being anticipated by Shortridge et al. (DE 24 45 602).

Claims 1, 3, 6-9, 11, 14: Shortridge discloses a spray device. In the device a conveyor belt 3 runs on rollers 2 and travels under a spray section. The spray section includes an endless cable 26, to which a number of carriages, each with a spray nozzle 28, is clamped, runs on pulleys 18 and 25 in a cross direction over the entire width of the belt. The spray nozzles are arranged at a distance from each other and are movable along a rail by means of an induction motor arrangement. Each spray nozzle 28 is supplied from a central supply point 33 via flexible line 34. The spray nozzles are driven along a rail with a speed adjusted to the speed of the conveyor belt. Flat objects to be sprayed, such as leather, are placed on the conveyor belt. The spraying occurs perpendicular to the motion of the conveyor (Shortridge, pgs. 3-6, of prior art translation from German, copy provided).

Claim 13: Shortridge does not disclose the liquid being sprayed. The present claims are apparatus claims. Apparatus claims must be structurally distinguishable

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from the prior art. Manner of operating the device does not differentiate apparatus claims from the prior art. MPEP 2114.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2) Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Shortridge. Shortridge is applied as above for claim 1, Shortridge fails to disclose that the apparatus comprises a paper making machine, however, it would have been obvious, to one skilled in the art at the time the invention was made, that since the device is used to spray flat objects such as leather, the device would be equally applicable to spray paper webs placed on the conveyor, without any structural modification to the device of Shortridge.

3) Claims 1, 3, 5-9, 11, 13-14, are rejected under 35 U.S.C. 102(b) as being anticipated by Zapp (GB 835,670).

Claims 1, 3, 5-9, 11, 14: Zapp discloses an apparatus for spraying flat sheets, such as leather, metal or the like (pg. 1, lines 52-56). The apparatus includes a revolving ring to which spray guns and guiding photoelectric cells are attached. The rotating ring revolves about the pivot 3 in the direction indicated by the arrow. The four spray guns 6, equally distanced from each other, spray the object placed on the moving

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conveyor belt 1, covering the spray area over the entire width of the belt (pg. 1, line 57 to pg. 3, line 94, and Figures 1-2).

Claim 13: Zapp does not disclose the liquid being sprayed. The present claims are apparatus claims. Apparatus claims must be structurally distinguishable from the prior art. Manner of operating the device does not differentiate apparatus claims from the prior art. MPEP 2114.

4) Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Zapp. Zapp is applied as above for claim 1, Zapp fails to disclose that the apparatus comprises a paper making machine, however, it would have been obvious, to one skilled in the art at the time the invention was made, that since the device is used to spray flat objects such as leather or metal, the device would be equally applicable to spray paper webs placed on the conveyor, without any structural modification to the device of Zapp.

Allowable Subject Matter

5) Claims 4, 10, 12, 15-16, are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter:

The primary reason for indicating allowable subject matter is that cited prior art does not show an application device for impinging on an element of a machine the

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application device having: a test device and a cleaning device (claims 4, 10, 16);
nozzles that are pin-type or fan (claim 12); or nozzles that are swivelable (claim 15).

Conclusion

6) Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mark Halpern whose telephone number is 703-305-4522. The examiner can normally be reached on Mon-Fri, (9:00-5:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Steven Griffin can be reached on 703-308-1164. The fax phone numbers for the organization where this application or proceeding is assigned are 703-308-7718 for regular communications and 703-305-3599 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0651.



Mark Halpern
Patent Examiner
Art Unit 1731

February 4, 2003